IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8423 of 1999
With
CIVIL APPLICATION NO.13366 OF 1999

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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MODADAR SEVA SAHAKARI

Versus

REGISTRAR, COOPERATIVE SOCIETIES

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Appearance:
MR MUKESH A PATEL for Petitioner No. 1-2
GOVERNMENT PLEADER for Respondent No. 1-2
MS YAMINI J DESAI for Respondent No. 3-7
MR HJ NANAVATI for Respondent No. 8

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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 08/04/2004

ORAL JUDGEMENT

1. In this petition the petitioner has prayed for a direction directing the first and second respondents to

immediately take actions under section 76-B of the Gujarat Cooperative Societies Act, 1961 against the elected representatives of the respondent no.8 bank. The present petition was filed on 25th October 1999 and the term of the Bank is for a period of three years.

2. In view of the decision in the case of Jamnadas Vs. Karamsad Urban C. Bank, reported in 1986(1) XXVII GLR 304, an order under section 76B of the Act can be passed only during the term of the office. In the present case the term is already over and therefore no direction can be issued as per the prayers made in the petition. The petition has, therefore, become infructuous.

3. In view of the above, the petition is disposed of as having become infructuous. Rule is discharged with no order as to costs.

4. Since the main Special Civil Application is disposed of, the above Civil Application No.13366/1999 does not survive and is accordingly disposed of.

[K.S. JHAVERI, J.]

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